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David W. Osborne
Registered Patent Attorney
osborne@tnw.com

November 16, 2006

Via facsimile only to 571-2736500

Ms. Latrice Sims
Refund Branch
Mail Stop 16
Director of the US Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Request for Deposit Account Refund
Deposit Account No. 20-0100
Our Reference: 01235-23625

Dear Ms. Sims:

A Request for Deposit Account Refund was requested on November 16, 2005, for which we have not yet received a refund or a refusal of such refund.

Please consider the facts as outlined below and as contained in the attached documents.

1. A charge for \$1370.00 was made to the above-referenced account on Oct. 18, 2005; fee code 1454; Serial No. 10/700,838; docket No. LIPO-001/00US (the docket number has changed since this fee was paid). This fee was paid as directed in a "Petition to Accept an Unintentionally Delayed Claim for the Benefit of a Prior-Filed Application..."
 - a. Copy of Monthly Statement of Deposit Account for Oct. 31, 2005 with the above charge noted
2. A charge for \$1370.00 was made to the above-referenced account on Nov. 9, 2005; fee code 1454; Serial No. 10/700,838; docket No. LIPO-001/00US (the docket number has changed since this fee was paid). This fee was charge for a "Resubmission of a Petition to Accept an Unintentionally Delayed Claim for the Benefit of a Prior-Filed Application..." (emphasis added) dated November 7, 2005.

CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION

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8180 South 700 East - Suite 350 - Sandy, Utah 84070-0582 • 801.566.8673 • F 801.566.8674 • osborne@tnw.com | U.S. Mailing Address: P.O. Box 1219 • Sandy, Utah 84091-1219

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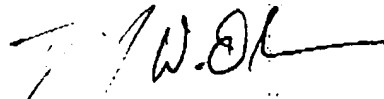
Ms. Latrice Sims
November 16, 2006
Page 2

- a. Copy of Monthly Statement of Deposit Account for Nov. 30, 2005 with the above charge noted
- b. Copy of the above-mentioned resubmitted petition noting that the fee had been previously paid.
3. It is the standard procedure for the Patent Office to charge for petitions only once, and to not charge for resubmission of such petitions.

Therefore, as you can see, the petition fee for this petition has been charged to the above-referenced deposit account twice. We respectfully request a refund of the excess \$1370.00 as soon as possible.

Very truly yours,

THORPE NORTH & WESTERN, LLP


David W. Osborne

DWO/kcj
Enclosure

10305.doc

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UNITED STATES PATENT AND TRADEMARK OFFICE

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MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and
return top portion with your check. Make check
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THORPE NORTH & WESTERN
CALVIN E. THORPE
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SANDY UT 84091-1219

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Account No.	200100
Date	10-31-05
Page	1

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Chicago, IL 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
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AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
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Account No.	200100
Date	11-30-05
Page	1

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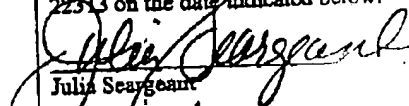
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AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
MUST ALWAYS BE ON DEPOSIT

OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
452.60	8970.00	17296.00	8778.60

Patent App. SN: 10/700,838
Attorney Docket No. 23625

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	Fikstad et al.	CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.  Julia Seargeant <u>11/7/2005</u> Date of Deposit
SERIAL NO.:	10/700,838	
FILED:	November 3, 2003	
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	
ART UNIT:	1614	
EXAMINER:	Royds, L.	
DOCKET NO.:	23625	

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. §
1.78(a)(3)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a resubmission of a petition to correct a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3), and in accordance with the fees set forth in 37 C.F.R. 1.17(t) which have previously been paid.

Page 1 of 4

Patent App. SN: 10/700,838
Attorney Docket No. 23625

REMARKS

Applicants resubmit this petition to amend a claim for the benefit of a prior-filed patent application pursuant to 37 C.F.R. 1.78(a)(3). Applicants submit that the entire delay for filing the proper claim of benefit was unintentional and respectfully requests acceptance of this petition.

Page 2 of 4

Patent App. SN: 10/700,838
Attorney Docket No. 23625

PARAGRAPH REQUIRED BY 35 U.S.C. 120 AND 37 C.F.R. 1.78(A)(2)

The following is the paragraph required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a)(2):

"This application is a continuation in part of U.S. Patent App. No. 10/428,341 filed on May 1, 2003, now issued as U.S. Patent No. 6,923,988, which is a continuation of U.S. Patent App. No. 09/800,593 filed on March 6, 2001, now issued as U.S. Patent No. 6,569,463, which is a division of U.S. Patent App. No. 09/447,090, now issued as U.S. Patent No. 6,248,363."

Patent App. SN: 10/700,838
Attorney Docket No. 23625

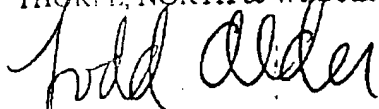
CONCLUSION

Deposit Account No. 20-0100 has previously been charged for the required fee of \$1,370.00 as specified in 37 C.F.R. 1.17(t). In any other event remediable by a fee, please credit any over payment or charge any additional fees to the above deposit account.

Dated this 7th day of November 2005.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



Todd B. Alder

Reg. No. 54,598

8180 South 700 East, Suite 200

Sandy, UT 84070

Telephone: (801) 566-6633

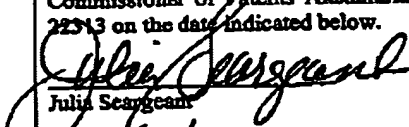
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Patent App. SN: 10/700,838
Attorney Docket No. 23625

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APPLICANT:	Fikstad et al.	CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify under 37 CFR § 1.8 that this correspondence is being facsimile transmitted to the USPTO or being deposited with the United States Postal Service with sufficient postage as first class postage in an envelope addressed to Commissioner of Patents Alexandria, VA 22313 on the date indicated below.  Julia Scargear <u>11/7/2005</u> Date of Deposit
SERIAL NO.:	10/700,838	
FILED:	November 3, 2003	
FOR:	PHARMACEUTICAL COMPOSITIONS WITH SYNCHRONIZED SOLUBILIZER RELEASE	
ART UNIT:	1614	
EXAMINER:	Royds, L.	
DOCKET NO.:	23625	

**RESUBMISSION OF A PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED
CLAIM FOR THE BENEFIT OF A PRIOR-FILED APPLICATION UNDER 37 C.F.R. §
1.78(a)(3)**

Mail Stop Petition
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Page 1 of 4

11/09/2005 WARDEN 00000122 200100 10700838
01 FC:1454 1370.00 DA
date: 12/06/2006 SPENB001
01/05/2007 00000122 200100 10700838
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